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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,771	10/24/2003	JAMES ZHENG PENG	81044311 (202-0614)	2770

32242 7590 04/06/2004

DYKEMA GOSSETT PLLC  
2723 SOUTH STATE STREET  
SUITE 400  
ANN ARBOR, MI 48104

EXAMINER
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PAPE, JOSEPH

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/605,771	Applicant(s) PENG, JAMES ZHENG	
	Examiner Joseph D. Pape	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/24/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "quarter panel" in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the recitation that the seat displacement member impacts the seat riser is inaccurate in that the inner door panel (which is deformed by the seat displacement member) impacts the seat riser not the seat displacement member.

In claim 4, the recitation that the seat displacement member impacts the seat riser and an outboard end of the seat cushion is inaccurate in that the inner door

panel (which is deformed by the seat displacement member) impacts these elements not the seat displacement member.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 10-14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sagawa et al.

Sagawa et al. disclose the claimed invention including floorpan 4, first seat 7 supported on "risers" 24, side closure structure 9, and seat displacement member 34. Reference Figures 9 and 13. Regarding claims 3 and 4, and referring to Figure 13, the door inner panel backed by the seat displacement member 34 will impact the seat riser 24 given a large enough impact force to result in further displacement beyond that shown in Figure 13. Regarding claim 5, the vehicle of Sagawa et al. is considered to inherently include a second seat and as seen in Figure 13 the first seat 7 clearly moves laterally closer to the center of the vehicle and also to the second seat (inherent but not shown). Regarding claim 6, the presence of the seat displacement member clearly functions to prevent the inner and outer closure panels from collapsing upon one

another in the region of the seat displacement member in response to an impact load. Regarding claims 12-14, Sagawa et al. disclose a "block-like metal bracket" as broadly as recited.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Shimoda. Shimoda discloses the claimed invention including floorpan 7, first seat 8 supported on "frame" 18, side closure structure 11 comprising a quarter panel, and seat displacement member 13, 14, and 17.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. in view of Laborie et al.

Sagawa et al. discloses the claimed invention except for a pelvis pusher block.

Laborie et al. disclose a closure impact arrangement including a pusher block 100.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the closure of Sagawa et al. to include a pusher block as taught by Laborie et al. in order to further enhance the impact energy absorbing function of the closure.

8. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. in view of Walker et al. '738.

Sagawa et al. disclose the claimed invention except for a seat displacement member comprising a resin block and an outboard and an inboard block with a window glass clearance space extending there between.

Walker et al. disclose a door energy absorbing arrangement with an outboard 53 and an inboard 46 block which may be made of a resin material. See column 3, lines 37- 41.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the door of Sagawa et al. with a seat displacement member comprising an outboard 53 and an inboard 46 block which are made of a resin material in order to function to impact the outboard end of the seat and deform the seat frame when the seat is shifted forwardly in order to enhance the safety response of the seat being moved away from the impacting body.

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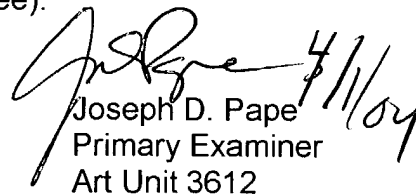
**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show many door structures similar to that of the current invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612

Jdp

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April 1, 2004